

VZCZCXYZ0006
PP RUEHWEB

DE RUEHNR #0540/01 0761222
ZNR UUUUU ZZH
P 171222Z MAR 09
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 8856
INFO RUEHDS/AMEMBASSY ADDIS ABABA 0454
RUEHDR/AMEMBASSY DAR ES SALAAM 6406
RUEHKM/AMEMBASSY KAMPALA 3190
RUEHLO/AMEMBASSY LONDON 3122
RUEHFR/AMEMBASSY PARIS 2987
RUEHRO/AMEMBASSY ROME 5423

UNCLAS NAIROBI 000540

SIPDIS

DEPARTMENT FOR AF/E
LONDON, PARIS, ROME FOR AFRICA WATCHERS

E.O. 12958: N/A
TAGS: [PREL](#) [KDEM](#) [PHUM](#) [PGOV](#) [KE](#)
SUBJECT: THE REFORM AGENDA IN KENYA: PRESSURE THROUGH
PUBLIC DIPLOMACY

UNCLASSIFIED -- ENTIRE TEXT.

¶1. Septels have reported extensively on Mission efforts to press the coalition government to implement the reform agenda. Energizing civil society, the private sector, religious groups, and the media are essential. We are also carrying out vigorous public diplomacy.

¶2. During February the Ambassador was invited to speak at the launch of the new Standing Orders for Parliament, development of which the Mission supported through the USAID parliamentary strengthening program. The launch was attended by President Kibaki, the Vice President, and all Parliamentarians.

¶3. The Ambassador delivered the following remarks focusing on the reform agenda. Begin Text:

The members of the Tenth Parliament were seated at a time of unprecedented political and governance challenges for Kenya. The electoral controversy and subsequent violence, which so shocked both Kenyans and the international community, left Parliament faced with enormous challenges.

As a great friend and partner of Kenya, the United States worked hard to help facilitate resolution of the crisis, but we were only able to play a positive role because the Kenyan people demonstrated a vibrant democratic spirit in insisting that their leaders reach a political solution. Civil society and religious groups, the private sector, the media, and ordinary citizens across ethnic, social, and political lines spoke out in unprecedented fashion. The resulting coalition government kept Kenya on the democratic path.

Although operating in an enormously difficult environment, Parliament pursued its mandate to organize itself. Through a model transparent process that provided hope and inspiration to the Kenyan people, Parliament elected its Speaker. Ultimately, the institution of Parliament and the Members proved central in helping to resolve the crisis.

The crisis that Kenya suffered was a watershed in the country's history. As tragic as those events were, an opportunity was opened up to address underlying problems and grievances. This can only be achieved through fundamental change. The reform agenda to which the coalition government committed itself is intended to achieve that fundamental change. In order to achieve that change, the reform agenda must be implemented, and this includes constitutional revision, establishment of a new truly independent electoral commission, the investigation and, if warranted, prosecution

of those involved in post-electoral violence, and taking decisive action against corruption. As I have traveled throughout the country, Kenyans have told me that they want to see the necessary institutional changes and actions in order to end the culture of impunity which has plagued the country for far too long.

Parliament sent a unifying message to all Kenyans by your expeditious and unanimous efforts to enact the National Accord and Reconciliation Act (NARA) as well as passing legislation paving the way for constitutional review and the establishment of an interim electoral commission. We applaud your efforts and look forward to seeing legislation to implement the remaining elements of the reform agenda passed expeditiously. We commend the Speaker for his exceptional leadership in promoting live parliamentary broadcasts. They are revolutionizing Kenyans, understanding of the work of Parliament, and helping to ensure greater transparency and accountability in the democratic process.

Kenyans have high expectations for full implementation of the reform agenda -- and the U.S. and international community share those. Kenyans must continue to demonstrate a peaceful democratic spirit in order to press for implementation. The leadership of the coalition government must drive the process. But the Members of Parliament also bear enormous responsibility to support implementation of the reform agenda. There can be no going back, and no business as usual.

Today, I am honored to participate in the launch of the New Standing Orders and Strategic Plan. Both documents demonstrate Parliament's intent to increase transparency and accountability in the conduct of House business. Further, if fully implemented, the innovations aimed at improving House efficiency will enable you to better meet both constituent and national expectations. Indeed, these documents, taken together, are an important part of the process of bringing about fundamental change. For example, the new standing orders allow, for the first time in Kenya, public committee hearings.

The United States Mission is proud to have supported both of these efforts as part of our broader Parliamentary Strengthening Program. The USG has been working with the Parliament to expand and strengthen its legislative capacities for more than seven years. Thus far, the USG has committed \$10,000,000 (USD) to these activities. Today Parliament is unquestionably more accessible and independent than ever before, and I hope our assistance has played at least a small part in helping achieve this. We are committed to continued support.

With a son of Kenya having been elected U.S. President, our partnership can only grow stronger. As you recall, during his August 2006 visit to Kenya, then Senator Obama gave a prescient speech in which he exhorted Kenyans to break from the destructive tradition of ethnic-based, tribal politics and corruption, because they are "rooted in the bankrupt idea that the goal of politics or business is to funnel as much of the pie as possible to one's family, tribe, or circle with little regard for the public good." Such practices, he said, "stifle innovation and fracture the fabric of the society." President Obama raised similar themes in his inauguration speech on January 20. He also pledged that the United States would work with those nations that are seeking a brighter future for all their people.

The Parliament is playing a key role in helping to build a brighter future for all Kenyans. The steps that have been taken thus far serve as a solid beginning to the process of reform. Results achieved during the coming months, however, will determine whether Kenyans in fact embark upon a process of fundamental change. Under the watchful eye of Kenyans more aware than ever of their democratic rights, Members of Parliament will be called upon to demonstrate whether in fact they continue to represent a force for fundamental change.

Implementation of the recommendations of the Waki Commission

remains one of the most critical issues before you. While many Kenyans are deeply skeptical about the potential to reverse the culture of impunity, they would surely want to see the Special Tribunal established if its credibility, independence, and transparency are assured through an appropriate framework) including an appropriate international component. Allowing this matter to be taken out of Kenya to the ICC would send the wrong message that Kenyans, on their own, cannot end the culture of impunity.

Numerous NGOs, including experts at the ICJ and Kenya National Commission for Human Rights, have advised that a local option is preferable and they believe that there is still time and room for you to make the necessary changes to close potential loopholes, which could undermine the tribunal,s integrity.

The defeat of the constitutional amendment bill to provide for the Special Tribunal was a wake-up call for the Kenyan people. We urge that the coalition government, Members of Parliament, and civil society engage in dialogue to address concerns about the legislation with a view to reconsidering the constitutional amendment bill. Establishing a credible Special Tribunal in Kenya will be a first very important first step at the beginning of a long road to deal with the culture of impunity.

In the end, the fate of the Special Tribunal, the broader Agenda 4 reforms, and the future of Kenya is in your hands. I wish you well in grappling with the major challenges and opportunities ahead. I remain positive about the direction of this great country and the potential to launch a process of fundamental change that will benefit all Kenyans.

Thank you.

End Text.
RANNEBERGER